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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LATASHA McLAUGHLIN, on behalf of
herself and all others similarly situated,

CLASS ACTION

No.: 3:15-cv-02904-WHA

Plaintiff,

**STIPULATED REQUEST FOR ORDER
ENLARGING BRIEFING SCHEDULE
AND HEARING DATE ON DEFENDANT'S
MOTION TO DISMISS; SUPPORTING
DECLARATION OF PATRICIA I. AVERY;
AND [PROPOSED] ORDER**

vs.
WELLS FARGO BANK, N.A., d/b/a WELLS
FARGO HOME MORTGAGE,

Judge: District Judge William Alsup
Dept.: Courtroom 8 - 19th Floor

Defendant.

1 Pursuant to Civil Local Rule 6-2, Plaintiff Latasha McLaughlin and Defendant Wells Fargo
2 Bank, N.A., by and through their respective counsel, stipulate as follows:

3 WHEREAS, Plaintiff served a copy of the Summons and Complaint on Defendant on
4 June 24, 2015 (the “Complaint”);

5 WHEREAS, Defendant served its Motion to Dismiss the Complaint (“Motion to Dismiss”)
6 on August 14, 2015, indicating a hearing date of September 24, 2015;

7 WHEREAS, pursuant to Local Rule 7-3, Plaintiff’s opposition to the Motion to Dismiss is
8 due by August 28, 2015, and Defendant’s reply is due by September 4, 2015;

9 WHEREAS, the Parties have met and conferred in good faith to establish a briefing and
10 hearing schedule that accommodates counsels’ prior commitments and non-refundable travel plans;

11 WHEREAS, there have been no prior extensions of the briefing schedule or hearing date for
12 the Motion to Dismiss and this three-week extension is not made for delay or any other improper
13 purpose;

14 THEREFORE, Plaintiff and Defendant hereby agree to the following enlargements of time:

- 15 1. Plaintiff’s opposition to the Motion to Dismiss shall be filed by September 18, 2015.
- 16 2. Defendant’s reply in support of the Motion to Dismiss shall be filed by September 29,
17 2015.
- 18 3. The hearing on the Motion to Dismiss shall be reset from September 24, 2015 to
19 October 15, 2015.

20 **IT IS SO STIPULATED.**

21 DATED: August 19, 2015

REED SMITH LLP

22 By: /s/ Ashley Shively
23 Ashley L. Shively
24 *Counsel for Defendant*
25 *Wells Fargo Bank, N.A.*

1 DATED: August 19, 2015

BERMAN DEVALERIO

2 By: /s/ A. Chowning Poppler

A. Chowning Poppler

3 Local Counsel for Plaintiff and the Class

4 **WOLF POPPER LLP**

5 Patricia I. Avery (*pro hac vice*)

Counsel for Plaintiff and the Class

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7 **E-Filing Attestation**

8 I, A. Chowning Poppler, am the ECF User whose ID and password are being used to file
9 this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Ashley L.
10 Shively has concurred in and authorized this filing.

11 /s/ A. Chowning Poppler

12 A. Chowning Poppler

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DECLARATION OF PATRICIA I. AVERY

I, Patricia I. Avery, declare as follows:

1. I am a partner in the New York office of Wolf Popper LLP, Counsel for Plaintiff Latasha McLaughlin and the class in the above-captioned case. I am admitted to practice law in the State of New York and am admitted *pro hac vice* before this Court. I make this declaration based on my personal knowledge and, if called upon to testify, I could and would do so competently.

2. The reason for the requested time modification is to establish a briefing and hearing schedule that accommodates counsels' prior commitments and non-refundable travel plans.

3. There have been no prior extensions of the briefing schedule or hearing date for the Motion to Dismiss and this stipulation is not made for delay or any other improper purpose.

4. The requested three-week time modification would not affect the schedule of this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 19th day of August, 2015, at New York, New York.

Patricia Avery
Patricia I. Avery

1 **[PROPOSED] ORDER**

2 Pursuant to the Stipulated Request for Order Enlarging Briefing Schedule and Hearing on
3 Defendant's Motion to Dismiss, the Court HEREBY ORDERS THAT:

- 4 1. Plaintiff's opposition to the Motion to Dismiss shall be filed by September 18, 2015.
5 2. Defendant's reply in support of the Motion to Dismiss shall be filed by September 29,
6 2015.
7 3. The hearing on the Motion to Dismiss is reset from September 24, 2015 to
8 October 15, 2015.

9 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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11 Dated August 24, 2015

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14 WILLIAM H. ALSUP
15 UNITED STATES DISTRICT JUDGE
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